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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,819	09/29/2003	Kazunori Hida	13425.41US01	6681

7590

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/675,819		HIDA, KAZUNORI	
	Examiner		Art Unit	
	Hilary Gutman		3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by DE '367.

DE '367 discloses an arrangement structure (Figures 2, 3, and 8) of a door open-close device to automatically open and close a vehicle door by means of a driving force comprising: a roof member 2A provided on a door-opening area for constituting a ceiling member of a vehicle body; a side member 3 provided on the door-opening area for constituting a side portion of the vehicle body; a connecting part between the roof member and the side member; and a strengthening member (between 2a and 2b) located below the connecting part between the roof member and the side member and bridged across the connecting part; wherein the vehicle door open-close device is arranged in a space surrounded by the roof member, the side member, and the strengthening member.

With regard to claim 7, the strengthening member is formed of a single member.

With regard to claim 8, the strengthening member is a diagonal beam connecting the roof member and the side member with each other.

4. Claims 1 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Eberle et al.

Eberle et al. (6,595,580) disclose an arrangement structure (see marked-up copy of figures hereto attached) of a door open-close device to automatically open and close a vehicle door by means of a driving force comprising: a roof member provided on a door-opening area for constituting a ceiling member of a vehicle body; a side member provided on the door-opening area for constituting a side portion of the vehicle body; a connecting part between the roof member and the side member; and a strengthening member located below the connecting part between the roof member and the side member and bridged across the connecting part; wherein the vehicle door open-close device is arranged in a space surrounded by the roof member, the side member, and the strengthening member.

With regard to claim 7, the strengthening member is formed of a single member.

With regard to claim 8, the strengthening member is a diagonal beam connecting the roof member and the side member with each other.

5. Claims 1 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by WO '326.

WO '326 discloses an arrangement structure (see marked-up copy of Figure 2, hereto attached) of a door open-close device to automatically open and close a vehicle door by means of a driving force (Figure 3) comprising: a roof member provided on a door-opening area for constituting a ceiling member of a vehicle body; a side member provided on the door-opening

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area for constituting a side portion of the vehicle body; a connecting part between the roof member and the side member; and a strengthening member located below the connecting part between the roof member and the side member and bridged across the connecting part; wherein the vehicle door open-close device is arranged in a space surrounded by the roof member, the side member, and the strengthening member.

With regard to claim 7, the strengthening member is formed of a single member.

With regard to claim 8, the strengthening member is a diagonal beam connecting the roof member and the side member with each other.

Allowable Subject Matter

1. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'H. Gutman', with a long horizontal flourish extending to the right.

Hilary Gutman
December 5, 2005